

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 13, 2003
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING:	2
ATTENDANCE DURING THE MEETING:	2
ROLL CALL:	3
NON-AGENDA COMMENT:	3
COUNCIL COMMENT:	5
CITY MANAGER COMMENT:	7
CITY ATTORNEY COMMENT:	7
ITEM-330:	7
ITEM-331: Special Hearing - FY 2004 Community Development Block Grant (CDBG) Program Funding.	9
* ITEM-332: This item has been moved to May 20, 2003.	12
NON-DOCKET ITEMS:	12
ADJOURNMENT:	12

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:13 a.m.

Mayor Murphy wished to welcome Commander Xavier Baudouard, Commanding Officer of the French Navy Warship *Prairial*, which comes from her home port in Tahiti. Commander Baudouard was joined in his visit to the City Council by Deputy Consul General of France in Los Angeles, Olivier Plançon and his second in command, Commander Vasseur.

The meeting was recessed by Mayor Murphy at 11:30 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 11:35 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 12:02 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:11 p.m. with Council Member Zucchet not present. Mayor Murphy adjourned the meeting at 3:46 p.m. into Closed Session immediately following the regular meeting in the twelfth floor conference room to discuss existing and anticipated litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present

(8) Council Member Inzunza-present

Clerk-Lane (ek/pr)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Lane called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Karl Andrews commented on his opposition to banning keg beer on San Diego beaches during the Fourth of July weekend.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:24 a.m. - 10:24 a.m.)

PUBLIC COMMENT-2:

Jarvis Ross wished to thank Council Member Zucchet and all Council Members for supporting the preservation of Historic Preble Field at NTC. Mr. Jarvis also wished to posthumously recognize two recruits from San Diego, David Perrine and Jack Zimmerman.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:25 a.m. - 10:27 a.m.)

PUBLIC COMMENT-3:

Daniele Laman expressed support for the South Chollas Paragon Park project.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:28 a.m. - 10:28 a.m.)

PUBLIC COMMENT-4:

Dr. Azzan Davis commented on the compulsory use of laundry rooms in small-housing communities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. - 10:29 a.m.)

PUBLIC COMMENT-5:

John Chen commented on the intolerance and torture of professionals and technicians in the sister cities in China.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:30 a.m. - 10:32 a.m.)

PUBLIC COMMENT-6:

Wilbur Smith commented on the City's retirement system and its checks and balances, and offered suggestions as to how it can be restructured.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:33 a.m. - 10:34 a.m.)

PUBLIC COMMENT-7:

Lucille Goodman commented on the aspect of underfunding of the City's retirement system and the impact of the economy on the program.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:35 a.m. - 10:36 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Atkins wished to proclaim, by unanimous resolution, May 8, 2003 to be Madeline Paul Day, which marked Miss Paul's 80th birthday. Council Member Atkins wished to recognize Miss Paul's hard work and devotion as District Three's office intern.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:41 a.m. - 10:42 a.m.)

COUNCIL COMMENT-2:

Council Member Lewis wished to congratulate the Asian Pacific Islander Alliance for their second annual festival in Balboa Park, where Council Members Maienschein and Madaffer also attended. Council Member Lewis also congratulated the Fourth District

Youth Commission for their job fair on May 8, 2003, with over 60 employers and close to 300 youths who attended. Mr. Lewis wished to thank all who contributed to its success.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:43 a.m. - 10:43 a.m.)

COUNCIL COMMENT-3:

Comment by Council Member Frye wishing to introduce the winners of the third annual "Water Conservation Poster Contest." Council Member Frye announced that the winning posters would be on display at the City Administration Building Lobby from May 26, 2003, through May 30, 2003, and at the San Diego County Faire's "Best Art Display" June 13, 2003, through July 6, 2003. Council Member Frye thanked the participating school teachers and principals for their support and commitment to water conservation education as well as to the students for creating such beautiful art work.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:12 p.m. - 2:23 p.m.)

COUNCIL COMMENT-4:

Comment by Mayor Murphy stating that Monday, May 19, 2003, the City Council will pass a Resolution that will urge all San Diegans to continue to be water aware because water is one of the most precious resources. Mayor Murphy announced that this year more than 2,300 students artistically demonstrated that they truly understood the importance of saving water. Today, 18 award winning students will receive an awards package that will include a U. S. Savings Bond; four tickets to the Reuben H. Fleet Science Center; and a first, second, or third place certificate.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:13 p.m. - 2:14 p.m.)

CITY MANAGER COMMENT:

City Manager Uberuaga commented on and read partial quotes from an article appearing in the Union-Tribune on May 10, 2003, which contained comments by the President of the City's Retirement Board regarding the retirement program.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:37 a.m. - 10:40 a.m.)

CITY ATTORNEY COMMENT:

None

ITEM-330: Establishment of Assessment District No. 4096 (Piper Ranch).

(See City Manager Report CMR-03-044. Otay Mesa Community Plan Area. District-8.)

DEPUTY CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1201 Cor. Copy) ADOPTED AS RESOLUTION R-297952

A Resolution of the City Council of the City of San Diego overruling protests, approving Engineer's Report, levying assessments, ordering acquisition of improvements and determining assessments remaining unpaid in and for City of San Diego Assessment District No. 4096 (Piper Ranch).

SUPPORTING INFORMATION:

On March 24, 2003, the City Council adopted Resolution Number R-297755, accepting a petition from Piper Ranch, LLC, to initiate special assessment proceedings for the purpose of establishing

an assessment district on land located in Otay Mesa, and financing (through the issuance of special assessment bonds under the Improvement Bond Act of 1915) the acquisition of public improvements required in connection with development. Specifically, the proposed assessment district, Assessment District No. 4096 (Piper Ranch) (the "Assessment District"), contemplates financing the acquisition of road (Piper Ranch Road, Air Wing Road, Aviator Road, Approach Road, and Dead Stick Road), sewer, and storm drain improvements, all of which will be owned by the City, and which will benefit property within the proposed district. The resolution adopted on March 24, 2003 also approved the boundary map for the proposed Assessment District, declared the intention to order the acquisition of public improvements in the proposed Assessment District, designated NBS Government Finance Group as the Engineer of Work, and approved the Purchase and Finance Agreement between the City and Piper Ranch, LLC. On the same date, the City Council adopted Resolution Number R-297756, which approved the Preliminary Assessment Engineer's Report, provided for the mailing of a Notice of Assessment and an Assessment Ballot to affected property owners, and set the time and place for a public hearing of protests on the proposed levy of assessments and related matters set forth in the Preliminary Assessment Engineer's Report as May 13, 2003 in the Council Chambers (See Report No. 03-044).

At the noticed public hearing, the City Council will be asked to hear testimony for or against formation of the district. The City Council will then declare the public hearing closed and the City Clerk will tabulate the ballots from affected property owners and, if the ballots cast in favor of the levy exceed the ballots cast against, the City Council will be asked to adopt a resolution: (1) overruling any protests made by property owners of the area of land to be assessed; (2) approving the Assessment Engineer's Report; (3) levying assessments as detailed in the Assessment Engineer's Report; (4) ordering the acquisition of public improvements described in the Assessment Engineer's Report; and (5) authorizing the issuance of special assessment bonds in an amount not-to-exceed the unpaid assessments (i.e., assessments which are not pre-paid with cash) in connection with the proposed Assessment District.

If these proceedings are successful, it is anticipated that special assessment bonds may be issued this summer. City staff would return to the City Council prior to the proposed sale of bonds to seek approval of various financing documents.

FISCAL IMPACT:

All costs related to determining financial feasibility of the proposed Assessment District have been funded by Piper Ranch, LLC. If the Assessment District is established and special assessment bonds are issued, all costs related to financing the public facilities described above and all incidental expenses related to establishing and administering the district will be borne by owners of property within the Assessment District. If the bonds are issued, annual debt service

would be covered by assessments collected from owners of taxable property interests within the district.

Frazier/Vattimo/RLD

NOTE: As this project is a financing measure only, it is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

FILE LOCATION: STRT-D-2307 (31)

COUNCIL ACTION: (Time duration: 10:44 a.m. - 10:46 a.m.)

Mayor Murphy closed the hearing.

MOTION BY INZUNZA TO CALL AN ELECTION AMONG THE LANDOWNERS. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

Assistant City Clerk Joyce Lane announced that the election has been conducted according to Assessment Proceedings and one ballot was submitted in favor; none in opposition. Ms. Lane announced that the ballots in favor exceed the ballots in opposition, with a majority vote in favor, all ballots being in favor of this item, and that the proposed assessment has passed. Ms. Lane then certified the results of the election and submitted them to the City Council.

MOTION BY INZUNZA TO ADOPT THE RESOLUTION TO OVERRULE ANY PROTESTS TO THE LEVY OF ASSESSMENTS FOR THE ASSESSMENT DISTRICT, APPROVE THE ASSESSMENT ENGINEER'S REPORT, AUTHORIZE THE LEVY OF THE ASSESSMENTS, ORDER THE ACQUISITION OF THE IMPROVEMENTS, AND AUTHORIZE THE ISSUANCE OF THE SPECIAL ASSESSMENT BONDS. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Special Hearing - FY 2004 Community Development Block Grant (CDBG) Program Funding.

The purpose of this special hearing is to receive public testimony on requests for

Fiscal Year 2004 Community Development Block Grant Program funding allocations.

The special hearing will be closed at the end of public testimony. The resolution in Subitem-B will be continued to May 20, 2003, for Council discussion and decisions regarding the distribution of available funds.

CITY MANAGER'S RECOMMENDATION:

Hold the public hearing in Subitem A, close the hearing at the conclusion of public testimony; and continue Subitem B to May 20, 2003:

Subitem-A: **HEARING HELD**

Special Hearing - FY 2004 Community Development Block Grant (CDBG) Program Funding.

Public Testimony will be heard in the following order:

1 - CDBG Applications 1-195 in the order in which they are numbered.

2 - Other Testimony.

Subitem-B: (R-2003-1321) **CONTINUED TO TUESDAY, MAY 20, 2003**

NOTE: Subitem B will be continued to May 20, 2003, at the conclusion of today's public hearing.

Approving and appropriating the funding allocations for the FY 2004 Community Development Block Grant (CDBG) Program, contingent upon certification of funds availability by the City Auditor and Comptroller, and that those projects funded are to be incorporated into the City's FY 2004 CDBG Action Plan;

Authorizing the City Manager to submit the FY 2004 CDBG Action Plan to the U.S. Department of Housing and Urban Development, and upon acceptance, execute a grant agreement for Federal Fiscal Year 2003 Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), Housing Opportunities for People with Aides (HOPWA), and HOME Investment Partnership (HOME) Funds;

Authorizing the City Manager to negotiate and execute agreements with all programs approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to reprogram funding from prior year CDBG funded projects to FY 2004 projects, as adopted by Council, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the Executive Director of the San Diego Housing Commission to negotiate and execute agreements with all funded programs whose allocations the City Manager asks the San Diego Housing Commission to administer, contingent upon certification of funds availability by the City Auditor and Comptroller.

CITY MANAGER SUPPORTING INFORMATION:

The purpose of the public hearing is to hear testimony on the FY 2004 Community Development Block Grant (CDBG) program. There are 195 CDBG applications. Each CDBG application has been assigned a number and the applicant will be invited to testify in numerical order. At the conclusion of the CDBG testimony, general program and other comments will be heard. The hearing will then be closed and the remainder of the item (Subitem-B) will be continued to May 20, 2003, at which time Council discussion and funding decisions will occur.

FISCAL IMPACT:

Funds are available from the Community Development Block Grant to cover the costs of these programs.

Herring/Cunningham/ELL

FILE LOCATION:

SUBITEM A: MEET
SUBITEM B: NONE

COUNCIL ACTION:

(Time duration: 10:47 a.m. - 12:02 p.m.;
2:24 p.m. - 3:45 p.m.)

MOTION BY COMMON CONSENT TO APPROVE THE HEARING IN SUBITEM A, AND TO CONTINUE THE FY 2004 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDING IN SUBITEM B TO TUESDAY, MAY 20, 2003, AT THE REQUEST OF THE CITY MANAGER TO ALLOW TIME FOR COUNCIL DISCUSSION AND ACTION. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-332: This item has been moved to May 20, 2003.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 3:46 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 3:45 p.m. - 3:46 p.m.)